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23 **UNITED STATES DISTRICT COURT**

24 **NORTHERN DISTRICT OF CALIFORNIA**

25 TERRY FREITAS, et al.,

26 Plaintiffs,

27 v.

28 MCKESSON CORPORATION, et al.,

Defendants.

CASE NO. 3:12-cv-05948 SC

Assigned to the Hon. Samuel Conti

**STIPULATION TO STAY MOTION FOR
JUDGMENT ON THE PLEADINGS
PENDING OUTCOME OF MOTION TO
REMAND**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Defendant Xanodyne Pharmaceuticals, Inc. ("Xanodyne") and plaintiffs hereby agree and stipulate to STAY Xanodyne's Motion for Partial Judgment on the Pleadings as follows:

Plaintiffs' action was removed by Defendants Brenn Distribution, Inc. to the United States District Court for the Northern District of California on November 20, 2012.

On December 17, 2012, Xanodyne filed a Motion for Judgment on the Pleadings based on lack of personal jurisdiction. Plaintiffs' opposition to that motion is due December 31, 2012.

1 The hearing on that motion is set for February 15, 2013.

2 Plaintiffs will file a Motion to Remand on or before January 3, 2013. The Clerk of this
3 Court has assigned a hearing date of February 15, 2013 for the Motion to Remand.

4 Plaintiffs and defendant Xanodyne agree that the Court should decide the motion to
5 remand before other motions. Accordingly, in order to promote the efficiency for the Court and
6 the parties, Xanodyne and plaintiffs have agreed to stay Xanodyne's Motion for Judgment on the
7 Pleadings pending the outcome of the Motion to Remand.

8 ON THESE BASES, plaintiffs and Xanodyne agree that:

9 Xanodyne's Motion for Judgment on the Pleadings is stayed pending the outcome of the
10 Motion to Remand;

11 The hearing on plaintiffs' Motion to Remand will remain set for February 15, 2013.

12 **IT IS SO STIPULATED.**

13 DATED: December 31, 2012

SEDGWICK LLP

14 By: /s/ Christopher P. Norton
15 KAREN WOODWARD
16 CHRISTOPHER P. NORTON
17 Attorneys for Defendant
Xanodyne Pharmaceuticals, Inc.

18 DATED: December 31, 2012

SALKOW LAW, APC

19 By: /s/ Richard Salkow
20 RICHARD SALKOW
21 Attorneys for Plaintiffs



PROOF OF SERVICE**Freitas vs. McKesson; 3:12-cv-5948-SC**

I am over the age of 18 years and not a party to or interested in the above-named case. I am associated with the Sill Law Group whose business address is 14005 N. Eastern Avenue, Edmond, OK 73013; and I am working from my home office located at 1950 E. Andreas Road, Palm Springs, CA 92262.

On December 31, 2012, I served a true copy of the following document(s):

STIPULATION TO STAY MOTION FOR JUDGMENT ON THE PLEADINGS PENDING OUTCOME OF MOTION TO REMAND

by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filings to the following individuals:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct; executed this 31st day of December, 2012, at Palm Springs, California.


 David Whitener